



COUNTY OF LOS ANGELES

CLAIMS BOARD

500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012

MEMBERS OF THE BOARD

March 1, 2004

Maria M. Oms
Auditor-Controller
Lloyd W. Pellman
Office of the County Counsel
Rocky Armfield
Chief Administrative Office

Honorable Board of Supervisors
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: **Nancy Camarena-Carrillo v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 274 326

Dear Supervisors:

The Claims Board recommends that:

1. The Board authorize settlement of the above-entitled action in the amount of \$150,000.00.
2. The Auditor-Controller be directed to draw a warrant to implement this settlement from the Probation Department.

Enclosed is the settlement request and a summary of the facts of the case.

Also enclosed, for your information, is the Corrective Action Report submitted by the Probation Department.

Return the executed, adopted copy to Frances Lunetta, Suite 648 Kenneth Hahn Hall of Administration, Extension 4-1754.

Very truly yours,

Maria M. Oms, Chairperson
Los Angeles County Claims Board

MMO/fs1

Enclosures

MEMORANDUM

February 19, 2004

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: MILDRED K. O'LINN
Manning & Marder, Kass, Ellrod, Ramirez LLP

ROGER H. GRANBO
Principal Deputy County Counsel
General Litigation Division

RE: Nancy Camarena-Carrillo v. County of Los Angeles
Los Angeles Superior Court Case No. BC 274326

DATE OF
INCIDENT: March 1998 through June 2001

AUTHORITY
REQUESTED: \$150,000

COUNTY
DEPARTMENT: Probation Department

CLAIMS BOARD ACTION:

☐ Approve

☐ Disapprove

☐ Recommend to Board of
Supervisors for Approval

_____, Chief Administrative Office
ROCKY ARMFIELD

_____, County Counsel
LLOYD W. PELLMAN

_____, Auditor-Controller
MARIA M. OMS

on _____, 2004

SUMMARY

This is a recommendation to settle for \$150,000, the lawsuit filed by Nancy Camarena-Carrillo, who alleges that she was subjected to sexual harassment by Probation Department supervisors at the Challenger Memorial Youth Center in Lancaster, and later subjected to retaliation as a result of rejecting alleged sexual advances.

LEGAL PRINCIPLES

The County is strictly liable for a supervisor's sexual harassment. The County may also be held liable for harassment where the harassment is sufficiently pervasive so as to alter an employee's environment and create an abusive working environment (hostile work environment). In addition, the County may be liable for harassment and for hostile work environment where an agent or supervisor of the County knows of the offensive conduct and fails to take immediate and appropriate corrective action.

In addition, when an employee prevails in a lawsuit brought under FEHA, the employee is entitled to an award of reasonable attorney fees.

SUMMARY OF FACTS

Nancy Camarena-Carrillo began working for the Probation Department as a Deputy Probation Officer ("DPO") in March 1998. She claims that between March 1998 and October 1998, her supervisor had numerous sexually explicit discussions with her regarding the women he was dating, and that he asked her out on dates. According to Nancy Camarena-Carrillo, when she refused her supervisor's advances, the supervisor retaliated by over-monitoring her work, not providing her with proper back-up, fabricating performance problems, and undermining her authority in front of camp wards and employees.

Nancy Camarena-Carrillo also claims that another one of her supervisors hugged and kissed her on one occasion, and that the advance was not welcomed. Nancy Camarena-Carrillo alleges that the supervisor began to retaliate against her after this incident in the form of fabricating performance problems, undermining her authority in front of camp wards, and placing her in dangerous situations without proper back-up.

Nancy Camarena-Carrillo alleges that the Director of the facility where she was assigned was made aware of her complaints, but did not take any corrective action.

The County contends that it took appropriate action once it learned of the allegations of harassment, and that the acts alleged by Nancy Camarena-Carrillo do not constitute harassment or retaliation under the law.

Nancy Camarena-Carrillo left on disability in June 2001 due to stress at the workplace. She returned to work in October 2001, and is currently assigned to another facility.

DAMAGES

Nancy Camarena-Carrillo alleges that she has suffered emotional distress and physical symptoms of insomnia, migraine headaches, and gastrointestinal problems. She also claims psychological problems related to her harassment and retaliation in that it negatively impacted her self-esteem and caused depression.

Should this matter proceed to trial, we estimate the potential damages could be as follows:

Loss of earnings	\$ 30,000
Past Medical expenses	\$ 15,000
Future Medical expenses	\$ 90,000
Emotional distress	\$200,000
Attorney fees	<u>\$300,000</u>
Total	<u>\$635,000</u>

The settlement calls for the County to pay \$150,000 to Nancy Camarena-Carrillo for all of her claims for damages, costs, and attorney fees.

STATUS OF CASE

The trial court proceedings have been suspended pending consideration of the proposed settlement.

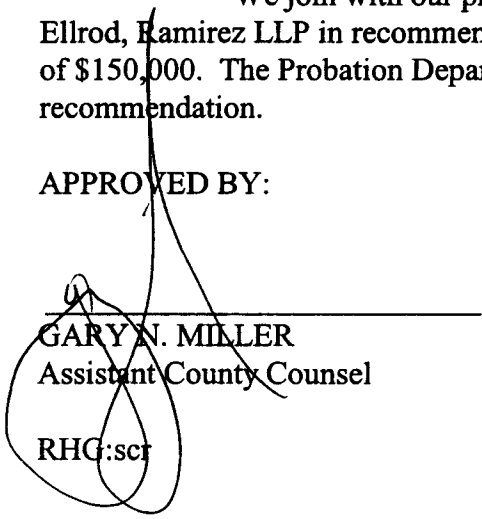
Expenses incurred by the County in defense of this matter are attorney fees of \$117,442 and \$11,683 in costs.

EVALUATION

This is a case of disputed liability. The Department contends that it took appropriate corrective action as soon as it was notified of Nancy Camarena-Carrillo's complaints. However, an independent witness supports some of Nancy Camarena-Carrillo's allegations. If a jury believes that the allegations are true, the County may be held strictly liable for the conduct of its supervisors.

We join with our private counsel, Manning & Marder, Kass, Ellrod, Ramirez LLP in recommending a settlement of this matter in the amount of \$150,000. The Probation Department concurs in this settlement recommendation.

APPROVED BY:



GARY N. MILLER
Assistant County Counsel

RHG:scr

Los Angeles County Probation Department

Corrective Action Plan

February 19, 2004

CASE: Nancy Camarena-Carillo vs. County of Los Angeles
BC 274326

ISSUE

Plaintiff, a Probation Department employee, alleges sexual harassment and retaliation in response to her rejection of romantic advances allegedly made towards her on separate occasions by two of her supervisors. The plaintiff subsequently alleges a hostile work environment in the form of excessive supervisory oversight, duties, and harsh corrective language in front of others.

REVIEW

The subject sexual harassment claim generally pertains to allegations of verbal comments in the form of requests from her supervisor to date plaintiff that made the recipient employee/plaintiff feel uncomfortable. Following rejection of these romantic advances, plaintiff alleges she was subjected to verbal harassment and assignment to undesirable duties at her work site.

The Probation Department investigated the allegations in accordance with the Office of Affirmative Action Compliance's (OAAC) "Discrimination Complaint Process" and received concurrence from the OAAC that the investigative findings did not substantiate a violation of the County's Policy on Sexual Harassment. While the investigation concluded that the plaintiff was not subject to a hostile work environment, it did find that the supervisor's conduct in discussing his dating history was inappropriate, and in violation of the Probation Department Policy Manual.

CORRECTIVE ACTIONS

Based on the Policy Manual violation, a letter of reprimand was prepared for the supervisor who was alleged to have harassed the plaintiff. In addition, the Probation Department has made significant efforts to instill high standards for professional conduct foremost in the minds of staff with regard to sexual harassment.

The Probation Department implemented a zero tolerance sexual harassment policy. The Department has emphasized the policy in Department-wide communications, and placed this policy in policy manuals to ensure staff understand and execute the meaning and intent of the policy and manual contents. Supervisors have been instructed that it is their responsibility to become knowledgeable of these policies, and maintain vigilance in their work assignments to prevent policy infractions. This includes compliance with training requirements, communicating the policy to subordinates at regular intervals, and systematically reviewing the conduct of those in the area of their authority.

The Department established an office of Affirmative Action and Compliance Programs Office (AACPO) to assist employees in discharging their duties in the event of a complaint. The Department also published and distributed to all managers a sexual harassment complaint policy guidebook that serves as a resource to staff in a supervisory or higher capacity. Staff are encouraged to contact the AACPO in the event of a question or incident. The Department's AACPO resource manual provides all employee work locations with a ready resource to guide employees on how to report sexual harassment.

The Department has an ongoing training program on sexual harassment policies and procedures. The program is offered throughout the year at times and locations throughout the County. Posters and other marketing means are used to expand outreach and awareness of sexual harassment issues. Complaint reporting forms and procedures have also been established. The sexual harassment training has been taken by virtually all managers and supervisors in the Department, and by many line staff. In addition, staff are required to sign-off that they understand the Department's policy on sexual harassment.

Allegations of sexual harassment are aggressively pursued to ensure expedient and thorough investigation and, if warranted, corrective measures.